

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CYNTHIA BYAS, KAREN YAPP,  
RODNEY C. GRADY, et al.,**

**Plaintiffs,**

**v.**

**UNION PACIFIC RAILROAD  
COMPANY,**

**Defendant.**

**Case No. 06-CV-0475-MJR**

**ORDER**

**REAGAN, District Judge:**

On November 9, 2007, the parties filed a stipulation to voluntarily dismiss this case with prejudice (Doc. 40). Though this is a putative class action, no class has been certified in this case. Therefore, **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)** governs this dismissal, rather than Rule 23(e).

Rule 41(a)(1)(ii) provides that plaintiffs may voluntarily dismiss an action “by filing a stipulation of dismissal signed by all parties who have appeared in the action.” Plaintiffs submitted a stipulation of dismissal signed by Herman N. Johnson, Jr., counsel for plaintiffs, and Douglas C. Herbert, counsel for defendant.

Pursuant to the parties’ stipulation, the Court hereby **DISMISSES** the case **with prejudice**.

**IT IS SO ORDERED.**

**DATED this 14<sup>th</sup> day of November 2007.**

**s/ Michael J. Reagan  
MICHAEL J. REAGAN  
United States District Judge**